

**REMARKS**

Claims 1-20 are pending in this application. Claim 13 has been amended. Claims 17-20 have been added without the addition of any new matter.

Claims 1, 10, 13, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimizu et al. ("Shimizu") (US 2002/0038200 A1) in view of Shirata et al. ("Shirata") (U.S. Patent No. 5,321,629). Claims 2-9, 11-12, 14, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimizu in view of Shirata and further in view of Summers et al. ("Summers") (U.S. Patent No. 3,855,456). Applicants respectfully traverse these rejections, and request allowance thereof in the pending application for the following reasons.

**The Claims are Patentable Over the Cited References**

**Claims 1, 10, 13, and 15 are not made obvious in view of Shimizu and Shirata**

Claims 1, 10, 13, and 15 stand rejected under § 103(a) in view of Shimizu and Shirata. Applicants strongly contend that Shimizu, the primary reference being asserted, does not constitute a proper § 102(e)/103 reference since the § 102(e) date for Shimizu is its U.S. filing date, February 27, 2001, which comes after the earliest priority date for the current application, January 25, 2001. The

current application properly claims priority for the earlier filed Japanese patent application (JP 2001-17365, filed 1/25/01) in accordance with § 119 as acknowledged in the earlier Office Action mailed on June 17, 2003.

Also, the Japanese priority application (JP 2000-288243) for the Shimizu reference was not published until April 5, 2002 and therefore does not constitute a proper § 102/103 reference either. Therefore, this rejection of the claimed invention is rendered moot since Shimizu is not a proper prior art reference under § 102(e)/103 which makes the claimed invention patentably distinct from the cited references.

**Claims 2-9, 11-12, 14, and 16 are not made obvious in view of Shimizu, Shirata, and Summers**

Claims 2-9, 11-12, 14, and 16 stand rejected under § 103(a) in view of Shimizu, Shirata, and Summers. As contended above, Shimizu does constitute a proper § 102(e)/103 prior art reference since its § 102(e) date of February 27, 2001 comes after the effective filing date of the current application, January 25, 2001. Therefore, this rejection of the claimed invention is rendered moot since Shimizu is not a proper prior art reference under § 102(e)/103 which makes the claimed invention patentably distinct from the cited references.

Conclusion

In view of the remarks submitted above, it is respectfully submitted that all of the remaining claims are allowable and a Notice of Allowance is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Clint Gerdine (Reg. No. 41,035) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Clint Gerdine

Clint A. Gerdine, #41,035

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

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